

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

TAPANI PLUMBING, INC., a Washington Corporation; EMERICK CONSTRUCTION COMPANY, a foreign corporation; and OHIO SECURITY INSURANCE COMPANY, a foreign corporation,

Plaintiffs,

v.

FEDERATED MUTUAL INSURANCE COMPANY, a foreign corporation,

Defendants.

CASE NO.

NOTICE OF REMOVAL

**TO: United States District Court for the Western District of Washington at Tacoma:**

PLEASE TAKE NOTICE that Defendants Federated Mutual Insurance Company (“Federated”) hereby removes to this Court the action described below.

**I. STATE COURT ACTION**

1.1 On July 17, 2024, plaintiffs filed a Complaint in Clark County Superior Court, assigned case number 24-2-02288-06. Defendant Federated received a copy of the Complaint by mail on August 5, 2024. Defendant Federated was served via the Office of the Insurance Commissioner on July 19, 2024. A copy of the Complaint is attached and labeled **Attachment 1**.

**II. PARTIES**

2.1 Plaintiff Tapani Plumbing, Inc. (“Tapani”) is a Washington Corporation. On information and belief, Tapani Plumbing, Inc.’s principal place of business is in Washington.

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CASE NO.

#5659380 v1 / 77052-001

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2.2 Plaintiff Emerick Construction Company (“Emerick”) is a foreign corporation. On information and belief, Emerick is an Oregon company with its principal place of business in Oregon.

2.3 Plaintiff Ohio Security Insurance Company (“Ohio”) is a foreign corporation. On information and belief, Ohio is a foreign insurance company, formed under the laws of the State of New Hampshire, with its principal place of business in Boston, Massachusetts. Ohio is authorized to and does conduct insurance business in the state of Washington.

2.4 Defendant Federated Mutual Insurance Company (“Federated”) is a foreign insurance company, formed under the laws of the State of Minnesota, with its principal place of business in Owatonna, Minnesota, and is authorized to and does conduct insurance business in the state of Washington.

### III. AMOUNT IN CONTROVERSY

3.1 The amount in controversy is at least equal to and is alleged to exceed \$300,000, which is the amount for which “the Gasporyan Lawsuit settled on or about September 19, 2023.” ¶ 3.24 of plaintiffs’ complaint for Damages.

3.2 Further, per the plaintiffs’ Prayer for Relief, plaintiffs seek “[a]n award of the amount Ohio paid to settle the claims against Tapani and Emerick in the Gasporyan Lawsuit,” and “[a]n award of all costs and attorney fees for Tapani’s and Emerick’s defense in the Gasporyan Lawsuit.”

### IV. JURISDICTION

4.1 Because plaintiff Ohio is a citizen of New Hampshire, plaintiff Tapani is a citizen of Washington, plaintiff Emerick is a citizen of the State of Oregon, and defendant Federated is a citizen of Minnesota, the plaintiffs to this action are completely diverse in citizenship from defendant, as required under 28 U.S.C. § 1332.

4.2 Clark County is within the U. S. District Court for the Western District of Washington, Tacoma Division.

V. TIMELINESS

5.1 Plaintiffs filed their Complaint on July 17, 2024. Defendant Federated received a copy of the Complaint by mail on August 5, 2024. Defendant Federated was served via the Office of the Insurance Commissioner on July 19, 2024.

5.2 This Notice of Removal, filed on August 15, 2024, is timely under 28 U.S.C. § 1446(c)(1).

VI. COPIES OF PROCESS, PLEADINGS, AND ORDERS IN STATE COURT PROCEEDING

6.1 In accordance with 28 U.S.C. § 1446(a), Federated will file with this Court copies of all pleadings on file in the state court proceeding.

6.2 Federated will give written notice of the filing of this Notice to plaintiffs through electronic service and a courtesy copy via email to plaintiffs' counsel.

6.3 A copy of this Notice will be filed with the Superior Court of Washington for Clark County as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Federated provides notice that this action is removed to the United States District Court for the Western District of Washington, at Tacoma, pursuant to 28 U.S.C. §§ 1441 and 1446, and that the Superior Court of Washington for Clark County shall proceed no further in Clark County cause number 24-2-02288-06.

Dated this 15<sup>th</sup> day of August 2024.

s/ Jacquelyn A. Beatty  
Jacquelyn A. Beatty, WSBA #17567  
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